

PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	1	of	14	Attorney Docket Number	28079/41333

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A1*	US-4,356,270	10-26-1982	Itakura	
	A2*	US-4,448,885	05-15-1984	Schnepf et al.	
	A3*	US-4,771,131	09-13-1988	Herrnstadt et al.	
	A4*	US-4,943,674	07-24-1990	Houck et al.	
	A5*	US-5,082,767	01-21-1992	Hatfield et al.	
	A6*	US-5,250,515	10-05-1993	Fuchs et al.	
	A7*	US-5,254,799	10-19-1993	De Greve et al.	
	A8*	US-5,270,200	12-14-1993	Sun et al.	
	A9*	US-5,495,071	02-27-1996	Fischhoff et al.	
	A10*	US-5,496,732	03-05-1996	Smigocki et al.	
	A11*	US-5,500,365	03-19-1996	Fischhoff et al.	
	A12*	US-5,567,600	10-22-1996	Adang et al.	
	A13*	US-5,567,862	10-22-1996	Adang et al.	
	A14*	US-5,625,136	04-29-1997	Koziel et al.	
	A15*	US-5,689,052	11-18-1997	Brown et al.	
	A16*	US-5,763,241	06-09-1998	Fischhoff et al.	
	A17*	US-5,866,784	02-02-1999	Van Mellaert et al.	
	A18*	US-5,880,275	03-09-1999	Fischhoff et al.	
	A19*	US-6,075,185	06-13-2000	Koziel et al.	
	A20*	US-6,180,774	01-30-2001	Brown et al.	
	A21*	US-6,204,246	03-20-2001	Bosch et al.	
	A22*	US-6,284,949	09-04-2001	Fischhoff et al.	
	A23*	US-6,320,100	11-20-2001	Koziel et al.	
	A24*	US-6,403,865	06-11-2002	Koziel et al.	
	A25*	US-6,689,356	02-10-2004	Zlotkin et al.	
	A26*	US-6,833,449	12-21-2004	Barton et al.	
	A27*	US-2001/0003849	06-14-2001	Barton et al.	
	A28*	US-07/285,924	12-19-1988		
	A29*	US-07/286,002	12-19-1988		
	A30*	US-07/286,087	12-19-1988		
	A31*	US-07/320,195	03-07-1989		

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	B1	AU-B-46881/89	06-21-1990	CIBA-GEIGY AG		
	B2	EP-0063949	11-03-1982	The Board of Regents of the University of Washington		
	B3	EP-0108580	05-16-1984	Standard Oil Company		√
	B4	EP-0126546	03-30-1984	Lubrizol Genetics, Inc.		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



PTO/SB/08b (10-08)  
Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	2	of	14	Attorney Docket Number	28079/41333

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	B5	EP-0140556	05-08-1985	Agrigentic Res. Ass.		
	B6	EP-0159884	10-30-1985	Agrigentic Res. Ass.		
	B7	EP-0431829	06-12-1991	Agracetus, Inc.		
	B8	EP-0275957	07-27-1988	Hoescst AG		
	B9	EP-0318143	05-31-1989	Lubrizol Genetics, Inc.		
	B10	EP-0359472	03-21-1990	Mycogen Plant Science, Inc.		
	B11	EP-0612848	08-31-1994	Sandoz Erfindungen Verwaltungsgesellschaft M.B.H.		
	B12	JP-63137684	06-09-1988	Sumitomo Chem. Co. Ltd.		
	B13	JP-1104177	04-21-1989	Sumitomo Chem. Co. Ltd.		
	B14	WO-8808880	11-17-1988	Ecogen, Inc.		
	B15	WO-9010076	09-07-1990	Monsanto Company		
	B16	WO-9015139	12-13-1990	Plant Genetics Systems, N.V.		
	B17	WO-9110725	07-25-1991	Biotechnica International, Inc.		√
	B18	WO-9307278	04-15-1993	CIBA-GEIGY AG		√

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	Adami et al., "Adenovirus mRNA Processing - In a Regulated Manner a Splice Site Choice Dominates Over Selection of a Poly A Site Located in an Intron," <i>RNA Processing Meeting</i> , pp. 26, May 11-15 (1988).	
	C2	Adang et al., "Characterized Full-Length and Truncated Plasmid Clones of the Crystal Protein of <i>Bacillus Thuringiensis</i> subsp. <i>Kurstaki</i> HD-73 and their Toxicity to <i>Manduca Sexta</i> ," <i>Genes</i> , 36:289-300 (1985).	
	C3	Adang et al., "Engineering Crop Plants for Insect Resistance," <i>154th National American Assoc. Adv. Sci.</i> , pp.59, Feb. 11-15 (1988).	
	C4	Adang et al., "Expression of a <i>Bacillus Thuringiensis</i> Insecticidal Crystal Protein Gene in Tobacco Plants," <i>Mol. Strat. Crop Protec.</i> , 345-353 (1987).	
	C5	Adang et al., "The Reconstruction and Expression of a <i>Bacillus Thuringiensis</i> CryIIIA Gene in Protoplasts and Potato Plants," <i>Plant Mol. Biol.</i> , 21:1131-1145 (1993).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	3	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	C6	Aota et al., Codon Usage Tabulated from the GenBank Genetic Sequence Data," <i>Nucl. Acids Res.</i> , 16(Supp): r315-r402 (1988).		
	C7	Aronson et al., "Bacillus Thuringiensis and Related Insect Pathogens," <i>Microbiol. Rev.</i> , 50(1):1-24 (1986).		
	C8	Audtho et al., "Production of Chymotrypsin-Resistant <i>Bacillus Thuringiensis</i> Cry2Aa1 $\delta$ -Endotoxin by Protein Engineering," <i>Appl. Environ. Microbiol.</i> , 65(10):4601-4605 (1999).		
	C9	Barker et al., "Nucleotide Sequence of the T-DNA Region from the <i>Agrobacterium tumefaciens</i> Octopine Ti Plasmid pTi15955," <i>Plant Mol. Biol.</i> , 2:335-350 (1983).		
	C10	Barton et al., "Production of <i>Bacillus Thuringiensis</i> Insecticidal Proteins in Plants," <i>Transgenic Plants</i> , 1:297-315 (1993).		
	C11	Barton et al., "Prospects in Plant Genetic Engineering," <i>Science</i> , 219:671-676 (1983).		
	C12	Barton et al., "Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny," <i>Cell</i> , 32:1033-1043 (1983).		
	C13	Bashe et al., "Codon Usage Table for Maize Based on Sequences of 25 Nuclear Genes," 63 <i>Maize Genetics Cooperation Newsletter</i> (1989).		
	C14	Bauer et al., "Chemie der Pflanzenschutz-und Sch.,dlings-bek.,mpfungsmittel," Ch. 6, pp.289-295 (1981).		
	C15	Beck et al., "Nucleotide Sequence and Exact Localization of the Neomycin Phosphotransferase Gene from Transposon Tn5," <i>Gene</i> , 19:327-336 (1982).		
	C16	BioTech Reporter, "Registration of Plant-Pesticides," <i>Government News</i> (1996).		
	C17	Borlaug, "Contributions of Conventional Plant Breeding to Food Production," <i>Science</i> , 219:689-693 (1983).		
	C18	Boudraa, "Coding Strategy Variation in the Plant System," <i>Genet. Sel. Evol.</i> , 19:143-154 (1987).		
	C19	Bozouklian et al., "Nucleotide Sequence of the Azospirillum Brasilense Sp 7 Glutamine Synthetase Structural Gene," <i>Biochemie</i> , 68:1181-1187 (1986).		
	C20	Brady et al., "Competition Between Splicing and Polyadenylation Determines which Adenovirus Region E3 mRNAs are Synthesized," <i>RNA Processing Meeting</i> , pp.224, May 11-15 (1988).		
	C21	Bravo et al., "Immunocytochemical Localization of <i>Bacillus Thuringiensis</i> Insecticidal Crystal Proteins in Intoxicated Insects," <i>J. Inv. Pathol.</i> , 60:237-246 (1992).		
	C22	Brizzard et al., "Nucleotide Sequence of an Additional Crystal Protein Gene Cloned from <i>Bacillus Thuringiensis</i> subsp. <i>Thuringiensis</i> ," <i>Nucl. Acids Res.</i> , 16:2723-2724 (1988).		
	C23	Brown, "A Catalogue of Splice Junction and Putative Branch Point Sequences from Plant Introns," <i>Nucl. Acids Res.</i> , 14:9549-9559 (1986).		
	C24	Callis et al., "Introns Increase Gene Expression in Cultured Maize Cells," <i>Genes &amp; Devel.</i> , 1:1183-1200 (1987).		
	C25	Campbell et al., "Codon Usage in Higher Plants, Green Algae, and Cyanobacteria," <i>Plant Physiol.</i> , 92 (1990).		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08b (10-08)  
Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	07/827,906-Conf. #3375		
		Filing Date	January 30, 1992		
		First Named Inventor	Kenneth A. Barton		
		Art Unit	1638		
		Examiner Name	A. R. Kubelik		
Sheet	4	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C26	Caplan et al., "Introduction of Genetic Material into Plant Cells," <i>Science</i> , 222:815-821 (1983).	
	C27	Chilton et al., "Tailoring the Agrobacterium Ti Plasmid as a Vector for Plant Genetic Engineering," <i>Stadler Symposium</i> , 13:39-51 (1981).	
	C28	Chilton, "A Vector for Introducing New Genes into Plants," <i>Scientific American</i> , 248:51-59 (1983).	
	C29	Church et al., "Genomic Sequencing," <i>PNAS USA</i> , 82:1991-1995 (1984).	
	C30	Conway et al., "Identification of Bases and Phosphates of SV40 Late Pre-mRNAs that are Required for 3' End Formation <i>In Vitro</i> ," <i>RNA Processing Meeting</i> , pp.40, May 11-15 (1988).	
	C31	Daar et al., "Premature Translation Termination Mediates Mammalian mRNA Degradation," <i>RNA Processing Meeting</i> , pp.45, May 11-15 (1988).	
	C32	Dalbadie et al., "Oligonucleotide-Directed Mutagenesis as a General and Powerful Method for Studies of Protein Function," <i>PNAS USA</i> , 79:6409-6413 (1982).	
	C33	Dandekar et al., "Low Levels of Expression of Wild Type <i>Bacillus Thuringiensis</i> var. <i>Kurstaki CryIA (c)</i> Sequences in Transgenic Walnut Somatic Embryos," <i>Plant Science</i> , 96:151-162 (1994).	
	C34	De Cleene et al., "The Host Range of Crown Gall," <i>Botanical Review</i> , 42:409-413 (1976).	
	C35	De Greve et al., "Regeneration of Normal and Fertile Plants that Express Octopine Synthase, from Tobacco Crown Galls after Deletion of Tumour-Controlling Functions," <i>Nature</i> , 300:752-755 (1982).	
	C36	Dean et al., "mRNA Transcripts of Several Plant Genes are Polyadenylated at Multiple Sites <i>In Vivo</i> ," <i>Nucl. Acids Res.</i> , 14:2229-2240 (1986).	
	C37	Dedrick et al., "Purified RNA Polymerase II Recognizes Specific Termination Sites During Transcription <i>in Vitro</i> ," <i>J. Biol. Chem.</i> , 262:9098-9108 (1987).	
	C38	Devonshire et al., "A Carboxylesterase with Broad Substrate Specificity Causes Organophosphorus, Carbamate and Pyrethroid Resistance in Peach-Potato Aphids ( <i>Myzus persicae</i> )," <i>Pest. Biochem. Physiol.</i> , 18:235-246 (1982).	
	C39	Dhaese et al., "Identification of Sequences Involved in the Polyadenylation of Higher Plant Nuclear Transcripts Using Agrobacterium T-DNA Genes as Models," <i>EMBO J.</i> , 2(3):419-426 (1983).	
	C40	Diehn et al., "Problems That Can Limit the Expression of Foreign Genes in Plants: Lessons to be Learned from B.t. Toxin Genes," <i>18 Genetic Engineering</i> 83 (1996).	
	C41	Donovan et al., "Amino Acid Sequences and Entomocidal Activity of the P2 Crystal Protein," <i>J. Biol. Chem.</i> , 263:561-567 (1988).	
	C42	Drummond, "Launching Genes Across Phylogenetic Barriers," <i>Nature</i> , 303:198-199 (1983).	
	C43	Ernst, "Codon Usage and Gene Expression," <i>TiBiotechnol.</i> , 6:196-199 (1988).	
	C44	Ferre et al., "Resistance to the <i>Bacillus Thuringiensis</i> Bioinsecticide in a Field Population of <i>Plutella Xylostella</i> is Due to a Change in a Midgut Membrane Receptor," <i>PNAS USA</i> , 88:5119-5123 (1991).	
	C45	Foard et al., "Engineering of Crop Plants with Resistance to Herbivores and Pathogens: An Approach Using Primary Gene Products," <i>Plant Mol. Biol.</i> , 223-233 (1983).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
				Attorney Docket Number	28079/41333
Sheet	5	of	14		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C46	Fraley et al., "Use of a Chimeric Gene to Confer Antibiotic Resistance to Plant Cells," <i>Molecular Genetics of Plants and Animals, Miami Winter Symposium</i> , 22:211-221 (1983).	
	C47	Fraley et al., "Expression of bacterial genes in plant cells," <i>PNAS USA</i> , 80: 4803-07 (1983).	
	C48	Fujimura et al., "Regeneration of Rice Plants from Protoplasts," <i>Plant Tissue Culture Lett.</i> , 2(2):74-75 (1985).	
	C49	Gallego et al., "Mutually Exclusive Splicing of Myosin Light Chain (MLC) I/3 Transcripts is Cis Regulated: Hierarchy Among Donor and Acceptor Splice Site Pairs," <i>RNA Processing Meeting</i> , pp.61, May 11-15 (1988).	
	C50	Ge et al., "Functional Domains of Bacillus Thuringiensis Insecticidal Crystal Proteins," <i>J. Biol. Chem.</i> , 266:17954-17958 (1991).	
	C51	Gelvin et al., "Use of a T <sub>R</sub> T-DNA Promoter to Express Genes in Plants and Bacteria," <i>Mol. Gen. Genet.</i> , 199:240-248 (1985).	
	C52	Genovese et al., "Alterations in Immunoglobulin mRNA Stability During B Cell Development," <i>RNA Processing Meeting</i> , pp.62, May 11-15 (1988).	
	C53	George et al., "High-Level Expression in Escherichia coli of Biologically Active Bovine Growth CHormone," <i>DNA</i> , 4:273-281 (1985).	
	C54	Gil et al., "A Sequence Downstream of AAUAAA is Required for Rabbit $\beta$ -Globin mRNA 3'-End Formation," <i>C59 Nature</i> , 312:473-474 (1984).	
	C55	Goldsbrough et al., "Expression of Maize Zein Genes in Transformed Sunflower Cells," <i>Mol. Gen. Genet.</i> , 202:374-381 (1986).	
	C56	Gonzales-Cabrera et al., "Binding of <i>Bacillus Thuringiensis</i> Toxins in Resistant and Susceptible Strains of Pink BollCworm ( <i>Pectinophora gossypiella</i> )," <i>Insect Biochem. Mol. Biol.</i> , 33:929-935 (2003).	
	C57	Goodall et al., "Specificity of Nuclear pre-RNA Splicing in Plants," <i>RNA Processing Meeting</i> , pp.63, May 11-15 (1988).	
	C58	Gould et al., "Transformation of Zeta Mays L. Using <i>Agrobacterium Tumefaciens</i> and the Shoot Apex," <i>Plant Physiol.</i> , 95:426-434 (1991).	
	C59	Gould, "Genetic Engineering, Integrated Pest Management and the Evolution of Pests," <i>TiBiotechnol</i> , 6:312-315 (1988).	
	C60	Gould, "Simulation Models for Predicting Durability of Insect-Resistant Germ Plasm: Hessian Fly (Diptera: Cecidomyiidae)-Resistant Winter Wheat," <i>Environ. Entomol.</i> , 15:11-23 (1986).	
	C61	Gouy, "Codon Contexts in Enterobacterial and Coliphage Genes," <i>Mol. Biol. Evol.</i> , 4:426-444 (1987).	
	C62	Grantham et al., "Patterns in codon usage of different kinds of species," <i>Oxford Surveys in Evol. Biol.</i> 3: 48-81 (1986).	
	C63	Green et al., "Wound-Induced Proteinase Inhibitor in Plant Levels: A Possible Defense Mechanism Against Insects," <i>Science</i> , 175:776-777 (1972).	
	C64	Grimsley et al., "Agrobacterium-Mediated Delivery of Infectious Maize Streak Virus into Maize Plants," <i>Nature</i> , 325(8):177-179 (1987).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08b (10-08)  
Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	07/827,906-Conf. #3375	
			Filing Date	January 30, 1992	
			First Named Inventor	Kenneth A. Barton	
			Art Unit	1638	
			Examiner Name	A. R. Kubelik	
Sheet	6	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C65	Gritz et al., "Plasmid-Encoded Hygromycin B Resistance: The Sequence of Hygromycin B Phosphotransferase Gene and its Expression in <i>Escherichia coli</i> and <i>Saccharomyces cerevisiae</i> ," <i>Gene</i> , 25:179-188 (1983).	
	C66	Hampson et al., "Alternative Processing of Bovine Growth Hormone Precursor mRNA is Strongly Influenced by Sequences within the Downstream Exon," <i>RNA Processing Meeting</i> , pp.68, May 11-15 (1988).	
	C67	Hanley et al., "Plant Intron Sequences: Evidence for Distinct Groups of Introns," <i>Nucl. Acids Res.</i> , 16:7159-7176 (1988).	
	C68	Held et al., "Cloning and Localization of the Lepidopteran Protoxin Gene of <i>Bacillus Thuringiensis</i> subsp. <i>Kurstaki</i> ," <i>PNAS USA</i> , 79:6065-6069 (1982).	
	C69	Helfman et al., "Studies of Alternative RNA Splicing of Tropomyosin pre-mRNAs <i>in Vitro</i> ," <i>RNA Processing Meeting</i> , pp.219, May 11-15 (1988).	
	C70	Herrera-Estrella et al., "Expression of Chimaeric Genes Transferred into Plant Cells Using a Ti-Plasmid-Derived Vector," <i>Nature</i> , 303:209-213 (1983).	
	C71	Hilder et al., "A Novel Mechanism of Insect Resistance Engineering into Tobacco," <i>Nature</i> , 330:160-163 (1987).	
	C72	Hinchey et al., "Production of Transgenic Soybean Plants Using <i>Agrobacterium</i> -Mediated DNA Transfer," <i>BioTechnol.</i> , 6:915-922 (1988).	
	C73	Hofmann et al., "Binding of the Delta Endotoxin from <i>Bacillus Thuringiensis</i> to Brush-Border Membrane Vesicles of the Cabbage Butterfly ( <i>Pieris Brassicae</i> )," <i>Eur. J. Biochem.</i> , 173:85-91 (1988).	
	C74	Hofmann et al., "Specificity of <i>Bacillus Thuringiensis</i> $\delta$ -Endotoxins is Correlated with the Presence of High-Affinity Binding Sites in the Brush Border Membrane of Target Insect Midguts," <i>PNAS USA</i> , 85:7844-7848 (1988).	
	C75	Hofmann, "The Binding of <i>Bacillus Thuringiensis</i> Delta-Endotoxin to Cultured Insect Cells and to Brush Border Membrane Vesicles," <i>A Dissertation Submitted to the Swiss Federal Institute of Technology Zurich</i> , ETH No. 8498 (1988).	
	C76	Hofte et al., "Fusion Proteins with Both Insecticidal and Neomycin Phosphotransferase II Activity," <i>FEBS Lett.</i> , 226:364-370 (1988).	
	C77	Hofte et al., "Nucleotide Sequence of a Gene Encoding an Insecticidal Protein of <i>Bacillus Thuringiensis</i> var. <i>Tenebrionis</i> Toxic Against Coleoptera," <i>Nucl. Acids Res.</i> , 15(17):7183 (1987).	
	C78	Hofte et al., "Structural and Functional Analysis of a Cloned Delta Endotoxin of <i>Bacillus Thuringiensis</i> Berliner 1715," <i>Eur. J. Biochem.</i> , 161:273-280 (1986).	
	C79	Honee et al., "Nucleotide Sequence of Crystal Protein Gene Isolated from <i>B. Thuringiensis</i> subsp. <i>entomocidus</i> 60.5 Coding: For a Toxin Highly Active Against <i>Spodoptern</i> Species," <i>Nucl. Acids Res.</i> , 16, 6240 (1988).	
	C80	Honee et al., <i>Chemical Abstracts No. 193742, 112(21):262 (1990).</i>	
	C81	Honigman et al., "Cloning and Expression of the Lepidopteran Toxin Produced by <i>Bacillus Thuringiensis</i> var. <i>Thuringiensis</i> is <i>Escherichia Coli</i> ," <i>Gene</i> , 42:69-77 (1986).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	07/827,906-Conf. #3375		
		Filing Date	January 30, 1992		
		First Named Inventor	Kenneth A. Barton		
		Art Unit	1638		
		Examiner Name	A. R. Kubelik		
Sheet	7	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C82	Hooykaas et al., "The <i>Agrobacterium Tumefaciens</i> T-DNA Gene 6 <sup>b</sup> is an <i>Onc</i> Gene," <i>Plant Mol. Biol.</i> , 11:791-794 (1988).	
	C83	Horsch et al., "A Simple and General Method for Transferring Genes into Plants," <i>Science</i> , 227:1229-1231 (1985).	
	C84	Hunt et al., "Deletion Analysis of the Polyadenylation Signal of a Pea Ribulose-1,5-Bisphosphate Carboxylase Small Subunit Gene," <i>Plant Mol. Biol.</i> , 13:125-138 (1989).	
	C85	Hunt et al., "Plant Cells Do Not Properly Recognize Animal Gene Polyadenylation Signals," <i>Plant Mol. Biol.</i> , 8:23-35 (1987).	
	C86	Ikemura, "Codon Usage and tRNA Content in Unicellular and Multicellular Organisms," <i>Mol. Biol. Evol.</i> , 2(1):13-34 (1985).	
	C87	Ikemura, "Correlation Between the Abundance of Escherichia coli Transfer RNAs and the Occurrence of the Respective Codons in its Protein Genes," <i>J. Mol. Biol.</i> , 146:1-21 (1981).	
	C88	Janssen et al., "Localized Transient Expression of GUS in Leaf Discs Following Cocultivation with <i>Agrobacterium</i> ," <i>Plant Mol. Biol.</i> , 14:61-72 (1989).	
	C89	Janzen et al., "Insecticidal Action of the Phytohemagglutinin in Black Beans on a Bruchid Beetle," <i>Science</i> , 192:795-796 (1976).	
	C90	Jones et al., "High Level Expression of Introduced Chimaeric Genes in Regenerated Transformed Plants," <i>EMBO J.</i> , 4:2411-2418 (1985).	
	C91	Joshi, "Putative Polyadenylation Signals in Nuclear Genes of Higher Plants: A Compilation and Analysis," <i>Nuc. A.R.</i> , 15:9627-9640 (1987).	
	C92	Karim et al., "Toxicity and Receptor Binding Properties of <i>Bacillus Thuringiensis</i> $\delta$ -Endotoxins to the Midgut Brush Border Membrane Vesicles of the Rice Leaf Folders, <i>Cnaphalocrocis Medinalis</i> and <i>Marasmia Patnalis</i> ," <i>Curr. Microbiol.</i> , 41:276-283 (2000).	
	C93	Keith et al., "Monocot and Dicot pre-mRNAs are Processed with Different Efficiencies in Transgenic Tobacco," <i>EMBO J.</i> , 5(10):2419-2425 (1986).	
	C94	Kemp et al., "Agrobacterium-Mediated Transfer of Foreign Genes into Plants," <i>Genetic Engineering</i> , 7:215-228 (1983).	
	C95	Kemp et al., "Transfer of a Functional Gene via the T1 Plasmid," <i>Chem. Abst.</i> , 101(3):176-177 (1984).	
	C96	Kessler et al., "A Novel Transcription Elongation Block is Active within the Late Leader Sequences of SV40," <i>RNA Processing Meeting</i> , pp.85, May 11-15 (1988).	
	C97	Klier et al., "Cloning and Expression of the Crystal Protein Genes from <i>Bacillus Thuringiensis</i> Strain <i>Berliner</i> 1715," <i>EMBO J.</i> , 7:791-799 (1982).	
	C98	Knight, "Biological Controls Squash Insect Pests," <i>BioTechnol.</i> , 6:1137 (1988).	
	C99	Kniskern et al., "Unusually High-Level Expression of a Foreign Gene (Hepatitis B Virus Core Antigen) in <i>Saccharomyces Cerevisiae</i> ," <i>Gene</i> , 46:135-141 (1986).	
	C100	Korber et al., "T-DNA Gene 5 of <i>Agrobacterium</i> Modulates Auxin Response by Autoregulated Synthesis of a Growth Hormone Antagonist in Plants," <i>EMBO J.</i> , 10:3983-3991 (1991).	
	C101	Kozak, Influences of mRNA Secondary Structure on Initiation by Eukaryotic Ribosomes," <i>PNAS USA</i> , 83:2850-2854 (1986).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	8	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C102	Koziel et al., "The Insecticidal Crystal Proteins of <i>Bacillus Thuringiensis</i> : Past, Present and Future Uses," <i>BioTechnol. Genet. Eng. Rev.</i> , 11:171-228 (1993).	
	C103	Kronstad et al., "Diversity of Locations for <i>Bacillus Thuringiensis</i> Crystal Protein Genes," <i>J. Bacteriol.</i> , 154:419-428 (1983).	
	C104	Kronstad et al., "Three Classes of Homologous <i>Bacillus Thuringiensis</i> Crystal-Protein Genes," <i>Gene</i> , 43:29-40 (1986).	
	C105	Ledeboer et al., "Advances in Gene Technology for Plants and Animals," <i>BioTechnology</i> , 169-171 (1983).	
	C106	Lee et al., "Determination of Binding of <i>Bacillus Thuringiensis</i> $\delta$ -Endotoxin Receptors to Rice Stem Borer Midguts," <i>Appl. Environ. Microbiol.</i> , 63:1453-1459 (1997).	
	C107	Leemans et al., "Genetic Identification of Functions of TL-DNA Transcripts in Octopine Crown Galls," <i>EMBO J.</i> , 1:147-152 (1982).	
	C108	Lereclus et al., "Role, Structure and Molecular Organization of the Genes Coding for the Paraspore $\delta$ -Endotoxins of <i>Bacillus Thuringiensis</i> ," <i>Regulation of Prokaryotic Development</i> , Ch.13:255-275 (1989).	
	C109	Levitt et al., "Definition of An Efficient Synthetic Poly(A) Site," <i>Genes and Dev.</i> , 3:1019-1025 (1989).	
	C110	Lewin, "Genes IV," <i>Oxford Univ. Press</i> , Ch.30:596-597 (1990).	
	C111	Lim et al., "Tissue Specificity of mRNA Degradation," <i>RNA Processing Meeting</i> , pp.128, May 11-15 (1988).	
	C112	Logan et al., "A Poly(A) Addition Site and a Downstream Termination Region are Required for Efficient Cessation of Transcription by RNA Polymerase II in the Mouse Maj-Globin Gene," <i>Proc. Natl. Acad. Sci. (USA)</i> , 84:8306-8310 (1987).	
	C113	Luthy et al., "The Entomocidal Toxins of <i>Bacillus Thuringiensis</i> ," <i>Pharmac. Ther.</i> , 13:257-283 (1981).	
	C114	Lycett et al., "Are Plant Genes Different?" <i>FEBS Lett.</i> , 153:43-46 (1983).	
	C115	MacIntosh et al., "Binding of <i>Bacillus Thuringiensis</i> Proteins to a Laboratory-Selected Line of <i>Heliothis Virescens</i> ," <i>PNAS USA</i> , 88:8930-8933 (1991).	
	C116	MacIntosh et al., "Specificity and Efficacy of Purified <i>Bacillus Thuringiensis</i> Proteins Against Agronomically Important Insects," <i>J. Invert. Pathology</i> , 56:258-266 (1990).	
	C117	MacKenzie et al., "Attachment of <i>Agrobacterium Tumefaciens</i> to Mechanically Isolated <i>Asparagus</i> Cells," <i>Plant Sci. Lett.</i> , 29:227-236 (1983).	
	C118	Makoff et al., "Expression of Tetapox Toxin Fragment C in <i>E. coli</i> : High Level Expression by Removing Rare Codons," <i>Nuc. A.R.</i> , 17(24):10191-10202 (1989).	
	C119	Mani et al., "Evolution of Resistance in the Presence of Two Insecticides," <i>Genetics</i> , 109:761-783 (1985).	
	C120	Marx, "Ti Plasmids as Gene Carriers," <i>Science</i> , 214:1305 (1982).	
	C121	Marzluff et al., "Intervening Sequences Interfere with Formation of 3' Ends of Histone mRNAs," <i>RNA Processing Meetings</i> , pp.244, May 11-15 (1988).	
	C122	Maugh, "Exploring Plant Resistance to Insects," <i>Science</i> , 216:722-733 (1982).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--





PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	07/827,906-Conf. #3375		
		Filing Date	January 30, 1992		
		First Named Inventor	Kenneth A. Barton		
		Art Unit	1638		
		Examiner Name	A. R. Kubelik		
Sheet	9	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C123	Mazodier et al., "Completion of the Nucleotide Sequences of the Central Region of Tn5 Confirms the Presence of Three Resistance Genes," <i>Nucl. Acids Res.</i> , 13:195-205 (1985).	
	C124	McDevitt et al., "Requirement of a Downstream Sequence for Generation of a Poly(A) Addition Site," <i>Cell</i> , 37:993-999 (1984).	
	C125	McGaughey et al., "Indianmeal Moth (Lepidoptera: Pyralidae) Resistance to Different Strains and Mixtures of <i>Bacillus Thuringiensis</i> ," <i>J. Econ. Entomol.</i> , 85:1594-1600 (1992).	
	C126	McGaughey et al., "Toxicity of Different Serotypes and Toxins of <i>Bacillus Thuringiensis</i> to Resistant and Susceptible Indianmeal Moths (Lepidoptera: Pyralidae)," <i>J. Econ. Entomol.</i> , 80:1122-1126 (1987).	
	C127	McGaughey, "Problems of Insect Resistance to <i>Bacillus Thuringiensis</i> ," <i>Agricult. Ecosyst. &amp; Environment</i> , 49:95-102 (1994).	
	C128	McPherson et al., "Characterization of the Coleopteran-Specific Protein Gene of <i>Bacillus Thuringiensis</i> var. <i>Tenebrions</i> ," <i>BioTechnology</i> , 6:61-66 (1988).	
	C129	Messing et al., "Plant Gene Structure," <i>Genetic Engineering of Plants</i> , 211-227 (1983).	
	C130	Metcalf, "Insect Resistance to Insecticides," <i>Pestic. Sci.</i> , 26:333-358 (1989).	
	C131	Miller et al., "Bacterial, Viral, and Fungal Insecticides," <i>Science</i> , 219:715-721 (1983).	
	C132	MPEP, "Simulated or Predicted Test Results or Prophetic Examples," 5th Ed., 608.01(q)D (1983).	
	C133	Murai et al., "T-DNA of pTi-15955 et etc.," <i>Chem Abst.</i> , 96:156 (1982).	
	C134	Murray et al., "Analysis of Unstable RNA Transcripts of Insecticidal Crystal Protein Genes of <i>Bacillus Thuringiensis</i> in Transgenic Plants and Electroporated Protoplasts," <i>Plant Mol. Biol.</i> , 16:1035-1050 (1991).	
	C135	Nassal et al., "Structure-Functions Studies on Bacteriorhodopsin," <i>J. Biol. Chem.</i> , 262:9264-9270 (1987).	
	C136	Norris et al., "Biochemical and Morphological Bases of Resistance," <i>Breeding Plants</i> , 29:56-57 (1980).	
	C137	Ohnie-Takagi et al., "The Effect of Sequences with High AU Content on mRNA Stability in Tobacco," <i>Proc. Natl. Acad. Sci. (USA)</i> , 90:11811-11815 (1993).	
	C138	Oneill et al., "Overproduction from a Cellulase Gene with a High Guanosine-Plus-Cytosine Content in <i>Escherichia Coli</i> ," <i>Appl. Environ. Microbiol.</i> , 52:737-743 (1986).	
	C139	Osborn et al., "Insecticidal Activity and Lectin Homology of Arcelin Seed Protein," <i>Science</i> , 240:207-210 (1988).	
	C140	Pandey et al., "Processing and Stability of Transcripts from Chimeric Histone-Globin Genes," <i>RNA Processing Meeting</i> , pp.133, May 13-17 (1987).	
	C141	Payne, "Current Uses and Future Prospects for Microbial Pest Control Agents," <i>Med. Fac. Landbouww. Rijksuniv. Gent.</i> , 52(2a):113-123 (1987).	
	C142	Peerbolte et al., "Clones from a Shooty Tobacco Crown Gall Tumor I: Deletions, Rearrangements and Amplifications Resulting in Irregular T-DNA Structures and Organizations," <i>Plant Mol. Biol.</i> , 7:265-284 (1986).	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	07/827,906-Conf. #3375		
		Filing Date	January 30, 1992		
		First Named Inventor	Kenneth A. Barton		
		Art Unit	1638		
		Examiner Name	A. R. Kubelik		
Sheet	10	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C143	Perlak et al., "Insect Resistant Cotton Plants," <i>BioTechnol</i> , 8:939-943 (1990).	
	C144	Perlak et al., "Modification of the Coding Sequence Enhances Plant Expression of Insect Control Protein Genes," <i>PNAS USA</i> , 88:3324-3328 (1991).	
	C145	Proudfoot et al., "Termination of Transcription and 3' End Processing in Eukaryotic Genes Transcribed by RNA Polymerase II: The Signals Involved and Their Role in Gene Regulation," <i>RNA Processing Meeting</i> , pp.17, May 13-17 (1987).	
	C146	Ream et al., "Multiple Mutations in the T Region of the <i>Agrobacterium Tumefaciens</i> Tumor-Inducing Plasmid," <i>PNAS USA</i> , 80:1660-1664 (1983).	
	C147	Reines et al., "Identification of Intrinsic Termination Sites <i>in Vitro</i> for RNA Polymerase II Within Eukaryotic Gene Sequences," <i>J. Mol. Biol.</i> , 196:299-312 (1987).	
	C148	Rogan et al., "Enzyme-Linked Immunosorbent Assay for Quantitation of Neomycin Phosphotransferase II in Genetically Modified Cotton Tissue Extracts," <i>J. Agricul Food Chem.</i> , 40:1453-1458 (1992).	
	C149	Rousch, "Designing Resistance Management Programs: How Can You Choose?" <i>Pestic Sci.</i> , 26:423-441 (1989).	
	C150	Sadofsky et al., "Sequences on the 3' Side of Hexanucleotide AAUAAA Affect Efficiency of Cleavage at the Polyadenylation Site," <i>Mol. Cell Biol.</i> , 4:1460-1468 (1984).	
	C151	Saghai-Marooof et al., "Ribosomal DNA Spacer-Length Polymorphisms in Barley: Mendelian Inheritance, Chromosomal Location, and Population Dynamics," <i>PNAS USA</i> , 81:8014-8018 (1984).	
	C152	Schafer et al., "T-DNA Integration and Expression in a Monocot Crop Plant After Induction of <i>Agrobacterium</i> ," <i>Nature</i> , 327:529-532 (1987).	
	C153	Schell et al., "Leben mit Fremden Genen," <i>Naturwiss Rundschau</i> , 36:254-260 (1983).	
	C154	Schell et al., "The Ti Plasmids as Natural and as Practical Gene Vectors for Plants," <i>BioTechnol.</i> , 175-180 (1983).	
	C155	Schell et al., "Ti Plasmids as Experimental Gene Vectors for Plants," <i>15th Miami Winter Symposium</i> , 20:191-209 (1983).	
	C156	Schesser et al., "Bioassay for Homogeneous Parasporal Crystal of <i>Bacillus Thuringiensis</i> Using the Tobacco Hornworm, <i>Manduca sexta</i> ," <i>Appl. Environ. Microbiol.</i> , 33:878-880 (1977).	
	C157	Schnepf et al., " <i>Bacillus Thuringiensis</i> and Its Pesticidal Crystal Proteins," <i>MMBR</i> , 62:775-806 (1998).	
	C158	Schnepf et al., "Cloning and Expression of the <i>Bacillus Thuringiensis</i> Crystal Protein Gene in <i>Escherichia coli</i> ," <i>PNAS USA</i> , 78:2893-2897 (1981).	
	C159	Schnepf et al., "Expression of a Cloned <i>Bacillus Thuringiensis</i> Crystal Protein Gene in <i>Escherichia coli</i> ," <i>J. Bacteriol</i> , 169:4110-4118 (1987).	
	C160	Schnepf et al., "Delineation of a toxin-encoding segment of a <i>Bacillus therungiensis</i> crystal protein gene," <i>J. Biol. Chem.</i> 260: 6273-79 (1985).	
	C161	Seeburg et al., "Characterization of cDNA for precursor of human luteinizing hormone releasing hormone," <i>Nature</i> . 311: 666-8 (1984).	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	07/827,906-Conf. #3375		
		Filing Date	January 30, 1992		
		First Named Inventor	Kenneth A. Barton		
		Art Unit	1638		
		Examiner Name	A. R. Kubelik		
Sheet	11	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C162	Sekar et al., "Molecular Cloning and Characterization of the Insecticidal Crystal Protein Gene of <i>Bacillus Thuringiensis</i> var. <i>Tenebrionis</i> ," <i>PNAS USA</i> , 84:7036-7040 (1987).	
	C163	Sharp et al., "Codon Usage in Yeast: Cluster Analysis Clearly Differentiates Highly and Lowly Expressed Genes," <i>Nucl. Acids Res.</i> , 14:5125-5143 (1986).	
	C164	Sharp et al., "The Codon Adaptation Index - A Measure of Directional Synonymous Codon Usage Bias, and its Potential Applications," <i>Nucl. Acids Res.</i> , 15:1281-1295 (1987).	
	C165	Shaw et al., "A Conserved AU Sequence from the 3' Untranslated Region of GM-CSF mRNA Mediates Selective mRNA Degradation," <i>Cell</i> , 46:659-667 (1986).	
	C166	Shaw et al., "Characterization of AU Sequences Functioning as mRNA Destabilizers," <i>RNA Processing Meeting</i> , pp.220, May 13-17 (1987).	
	C167	Shaw, "Genetic Engineering of Crop Plants: A Strategy for the Future, and the Present," <i>Chem. Indust.</i> , 817-824 (1984).	
	C168	Shimizu et al., "Cloning and Expression in <i>Escherichia coli</i> of the 135-kDa Insecticidal Protein Gene from <i>Bacillus Thuringiensis</i> subsp. <i>aizawai</i> IPL7," <i>Chem.</i> , 52:1565-1573 (1988).	
	C169	Smigocki et al., "Cytokinin-Mediated Insect Resistance in <i>Nicotiana</i> Plants Transformed with the <i>ipt</i> Gene," <i>Plant Mol. Biol.</i> , 23:325-335 (1993).	
	C170	Smith et al., "Diseases Caused by Viruses," <i>Biol. Abst. Phytopathology</i> , 87(1):AB9696 (1989).	
	C171	Smith et al., "Molecular cloning of potato leaf roll virus complementary DNA," <i>Phytopathology</i> , 78: 1060-6 (1988).	
	C172	Spanier et al., "A Functional Analysis of T-DNA Gene 6b: The Fine Tuning of Cytokinin Effects on Shoot Development," <i>Mol. Gen. Genet.</i> , 219:209-216 (1989).	
	C173	Spencer et al., "Segregation of Transgenes in Maize," <i>Plant Mol. Biol.</i> , 18:201-210 (1992).	
	C174	Springer et al., "High-Level Expression of Sperm Whale Myoglobin in <i>Escherichia coli</i> ," <i>PNAS USA</i> , 84:8961-8965 (1987).	
	C175	Stone et al., "Insect Resistance to <i>Bacillus Thuringiensis</i> ," <i>Biotech. for Biol. Control of Pests &amp; Vectors</i> , 53-66 (1991).	
	C176	Stone et al., "Selection of Tobacco Budworm for Resistance to a Genetically Engineered <i>Pseudomonas Fluorescens</i> Containing the $\delta$ -Endotoxin of <i>Bacillus Thuringiensis</i> subsp. <i>Kurstaki</i> ," <i>J. Inv. Pathol.</i> , 53:228-234 (1989).	
	C177	Taylor et al., "Optimizing the Expression of Chimeric Genes in Plant Cells," <i>Mol. Gen. Genet.</i> , 210:572-577 (1987).	
	C178	Thurston, "Toxicity of Trichome Exudates of <i>Nicotiana</i> and <i>Petunia</i> Species to Tobacco Hornworm Larvae," <i>J. Economic. Entomol.</i> , 63:271-274 (1970).	
	C179	Tinland et al., " <i>Agrobacterium Tumefaciens</i> T-DNA Gene 6b Stimulates <i>rol</i> -Induced Root Formation, Permits Growth at High Auxin Concentrations and Increases Root Size," <i>Mol. Gen. Genet.</i> , 223:1-10 (1990).	
	C180	Tokunaga et al., "Expression of a Synthetic Human Growth Hormone Gene in Yeast," <i>Gene</i> , 39:117-120 (1985).	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

Substitute for form 1449/PTO	<b>Complete if Known</b>
------------------------------	--------------------------



PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031

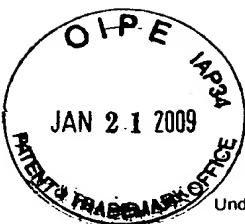
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
				Attorney Docket Number	28079/41333
Sheet	12	of	14		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C181	Toriyama et al., "Haploid and Diploid Plant Regeneration from Protoplasts of Another Callus in Rice," <i>Theor. Appl. Genet.</i> , 73:16-19 (1986).	
	C182	Trolinder et al., "Somatic Embryogenesis and Plant Regeneration in Cotton ( <i>Gossypium Hirsutum</i> L.)" <i>Plant Cell Reports</i> , 6:231-234 (1987).	
	C183	Tsurushita et al., "Regulation of Differential Processing of Mouse Immunoglobulin Mu Heavy-Chain mRNA," <i>RNA Processing Meeting</i> , pp.215, May 13-17 (1987).	
	C184	Uchimiya et al., "Expression of a Foreign Gene in Callus Derived from DNA-Treated Protoplasts of Rice ( <i>Oryza sativa</i> L.)" <i>Mol. Gen. Genet.</i> , 204:204-207 (1986).	
	C185	Urdea et al., "Chemical Synthesis of a Gene for Human Epidermal Growth Factor Urogastrone and its Expression in Yeast," <i>PNAS USA</i> , 80:7461-7465 (1983).	
	C186	Van Mellaert et al., "Binding of Different Types of <i>Bacillus Thuringiensis</i> Delta-Endotoxins to Midgut Brush Border Membrane Vesicles is Correlated with the Insecticidal Spectrum," <i>XXI Ann. Meeting Soc. Inv. Pathol. UCSD</i> , pp.27, Aug. 14-18 (1988).	
	C187	Van Rie et al., "Mechanism of Insect Resistance to <i>Bacillus Thuringiensis</i> in <i>Plutella Xylostella</i> (L.) (Lepidoptera: Plutellidae)," <i>T-Y Feng et al. (eds)</i> , 1:277-295 (1995).	
	C188	Van Rie et al., "Mechanism of Insect Resistance to the Microbial Insecticide <i>Bacillus Thuringiensis</i> ," <i>Science</i> , 247:72-74 (1990).	
	C189	Van Rie et al., "Specificity of <i>Bacillus Thuringiensis</i> $\delta$ -Endotoxins," <i>Eur. J. Biochem.</i> , 186:239-247 (1989).	
	C190	Vancanneyt et al., "Construction of an Intron-Containing Marker Gene: Splicing of the Intron in Transgenic Plants and its use in Monitoring Early Events in <i>Agrobacterium</i> -Mediated Plant Transformation," <i>Mol. Gen. Genet.</i> , 220:245-250 (1990).	
	C191	Vasil et al., "Plant Regeneration From Protoplasts of Napier Grass ( <i>Pennisetum Purpureum</i> Schum.)," <i>Pflanzenphysiol. Bd.</i> , 111:232-239 (1983).	
	C192	Wendel, "New World Tetraploid Cottons Contain Old World Cytoplasm," <i>PNAS USA</i> , 86:4132-4136 (1989).	
	C193	Whiteley et al., "Cloning the Crystal Protein Gene of <i>B Thuringiensis</i> in <i>E. coli</i> ," <i>Mol. Clon. Gene Reg. Baci. Acad. Press Inc.</i> , pp.131-144 (1992).	
	C194	Wickens et al., "Cleavage and Polyadenylation of SV40 Late pre-mRNAs <i>in Vitro</i> ," <i>RNA Processing Meeting</i> , pp.9, May 11-17 (1987).	
	C195	Wiebauer et al., "Nuclear pre-mRNA Processing in Plants: Distinct Modes of 3'-Splice-Site Selection in Plants and Animals," <i>Mol. Cell Biol.</i> , 8:2042-2051 (1988).	
	C196	Wigley et al., "Conservation of <i>Bacillus Thuringiensis</i> Efficacy in New Zealand through the Planned Deployment of <i>Bt</i> Genes in Transgenic Crops," <i>Biocontrol Sci. &amp; Technol.</i> , 4:527-534 (1994).	
	C197	Williams et al., "Design, Synthesis and Expression of a Human Interleukin-2 Gene Incorporating the Codon Usage Bias Found in Highly expressed <i>Escherichia coli</i> Genes," <i>Nuc. A.R.</i> , 16(22):10453-10467 (1988).	
	C198	Winnacker et al., "From Genes to Clones," pp.404-411 (1987).	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--



PTO/SB/08b (10-08)

Approved for use through 11/30/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	13	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C199	Wong et al., "Cloning and Nucleotide Sequence of the Gene Coding for a 135-KDAL Protein of <i>Bacillus Thuringiensis</i> Aizawai," <i>XXI Ann. Meeting Soc. Inv. Pathol., USCD</i> , pp.27(13), Aug. 14-18 (1988).	
	C200	Wong et al., "Differential Accumulation of Proteinase Inhibitor I in Normal and Crown Gall Tissues of Tobacco, Tomato, and Potato," <i>Plant Physiol.</i> , 57:214-217 (1976).	
	C201	Wong et al., "Transcriptional and Translational Start Sites for the <i>Bacillus Thuringiensis</i> Crystal Protein Gene," <i>J. Bio. Chem.</i> , 258:1960-1967 (1983).	
	C202	Yamada et al., "Plant Regeneration from Protoplast-Derived Callus of Rice ( <i>Oryza Sativa</i> L.)," <i>Plant Cell Reports</i> , 5:85-88 (1986).	
	C203	Zambryski et al., "Ti Plasmid Vector for the Introduction of DNA into Plant Cells Without Alteration of Their Normal Regeneration Capacity," <i>EMBO J.</i> , 2(2):2143-2150 (1983).	
	C204	Zambryski et al., "Tumor Induction by <i>Agrobacterium Tumefaciens</i> : Analysis of the Boundaries of T-DNA," <i>J. Mol. Appl. Genet.</i> , 1:361-370 (1982).	
	C205	Zeigler, "Lehrbuch der Botanik," <i>Strasburger</i> , 32nd Ed., pp.286 (1983).	
	C206	Syngenta Seeds Inc. v. Monsanto Co., 404 F. Supp.2d 594 (D. Del. 2005)	
	C207	Pazuniak, George; Letter to Gass, D., counsel for Monsanto dated August 14, 2008.	
	C208	Appendix A of Pazuniak's letter to Gass, Opposition decision, EP Patent No. 0 385 962, dated July 25, 2008.	
	C209	Annex I to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 413 019, dated November 16, 2005.	
	C210	Annex II to Appendix A of Pazuniak's letter to Gass, Auxiliary Request I, EP 0 385 962, dated November 7, 2005.	
	C211	Annex III to Appendix A of Pazuniak's letter to Gass, Figures 2A, 3A, 4A, and 12A of European patent EP 0 413 019.	
	C212	Annex IV to Appendix A of Pazuniak's letter to Gass, Auxiliary Request II, EP 0 385 962, dated November 7, 2005.	
	C213	Appendix B of Pazuniak's letter to Gass, Minutes of the oral proceedings before the Opposition Division, EP-B-385962, dated November 16, 2005.	
	C214	Request for Opposition against European Patent EP-B-0 385 962 granted in the name of Monsanto Technology LLC by Aventis CropSciences N.V., July 18, 2001.	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	07/827,906-Conf. #3375
				Filing Date	January 30, 1992
				First Named Inventor	Kenneth A. Barton
				Art Unit	1638
				Examiner Name	A. R. Kubelik
Sheet	14	of	14	Attorney Docket Number	28079/41333

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
	C215	Request for Opposition against European Patent EP-B-0 385 962 by Dow Agrosciences LLC, dated April 18, 2002.		
	C216	Request for Opposition against European Patent EP-B-0 385 962 by Syngenta Ltd, dated April 11, 2002.		
	C217	Walker, Declaration of Keith A. Walker 37 C.F.R. § 1.132 filed on June 10, 1991 before the United States Patent and Trademark Office.		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.